

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

MATTHEW GIBSON,

Plaintiff,

vs.

Civil Action No. 5:21-cv-00181  
Honorable Frank W. Volk

LOUISE E. GOLDSTON, individually,  
COUNTY COMMISSION OF RALEIGH  
COUNTY, a political subdivision,  
JEFF MCPENAKE, individually,  
BRIAN WHITE, individually,  
BOBBY STUMP, individually,

Defendant.

**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT  
AGAINST DEFENDANT LOUISE E. GOLDSTON**

Plaintiff, by counsel, John H. Bryan, pursuant to FED. R. CIV. P. 56, respectfully moves the Court for summary judgment. As more fully set out in plaintiff's memorandum in support, filed contemporaneously herewith and incorporated herein, the pleadings, depositions, sworn testimony and other documents show that there is no genuine issue as to any material fact related to Counts One, Two, Four and Five of the plaintiff's complaint and plaintiff is entitled to judgment as a matter of law on the said counts, and for a jury trial on the issue of damages.

Accordingly, the plaintiff respectfully requests the Court to GRANT his motion and ORDER that summary judgment be entered in his favor on Counts One, Two, Four and Five of the complaint.

MATTHEW GIBSON,  
By Counsel

/s John H. Bryan  
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JEFF MCPHAKE, individually,  
BRIAN WHITE, individually,  
BOBBY STUMP, individually,  
KYLE LUSK, individually,

Defendant.

**CERTIFICATE OF SERVICE**

I, John H. Bryan, do hereby certify that I have delivered a true copy of the foregoing  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT LOUISE E.  
GOLDSTON has been served upon counsel of record by using the CM/ECF System, this the  
28th day of March, 2022 and addressed as follows:

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/s John H. Bryan

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